

Chapter 30

TAXATION*

Article I. In General

- Sec. 30-1. Annual tax levy.
- Sec. 30-2. Equalization of valuations.
- Sec. 30-3. Property of nonprofit housing corporation subject to service fee.
- Sec. 30-4. Duties of city administrator relative to taxes.
- Sec. 30-5. Duties of treasurer relative to taxes.
- Sec. 30-6. Position of delinquent tax collector.
- Sec. 30-7. To whom taxes payable; receipts and records.
- Sec. 30-8. When taxes due; delinquencies generally.
- Sec. 30-9. Default on payment of taxes; levy of execution by distress and sale; notice of delinquent taxes; seizure of property; advertisement of sale.
- Sec. 30-10. Sale of property; procedures; defaulting taxpayer with more than one item to be sold.
- Sec. 30-11. Required bid on behalf of forfeited land commission when property sold for ad valorem taxes.
- Sec. 30-12. Payment by successful bidder; receipt; disposition of proceeds.
- Sec. 30-13. Default by successful bidder; readvertisement of property.
- Sec. 30-14. Redemption of real property; assignment of purchaser's interest.
- Sec. 30-15. Owner of mobile home or modular home may redeem property.
- Sec. 30-16. Conditions of redemption.
- Sec. 30-17. Cancellation of sale upon redemption; notice to purchaser; refund of purchase price.
- Sec. 30-18. Personal property shall not be subject to redemption; purchaser's bill of sale and right of possession.
- Sec. 30-19. Notice of approaching end of redemption period.
- Sec. 30-20. Execution and delivery of tax title; costs and fees; overages.
- Sec. 30-21. Official may void tax sales.
- Sec. 30-22. Deed as evidence of good title; statute of limitations.
- Secs. 30-23—30-47. Reserved.

Article II. Rights of Real Property Mortgagees

- Sec. 30-48. Definitions.
- Sec. 30-49. Notice to mortgagee of tax sale.
- Sec. 30-50. Form of notice.
- Sec. 30-51. Record of notice.
- Sec. 30-52. Mortgagee list.
- Sec. 30-53. Form of mortgagee list.
- Sec. 30-54. Effect of chapter on rights of mortgagee.
- Sec. 30-55. Tax sale of mobile or manufactured home; service of notice.
- Sec. 30-56. Form of notice.

***State law references**—Taxation, S.C. Code 1976, tit. 12; property subject to municipal taxes, S.C. Code 1976, § 5-21-110; authority to collect taxes in installments, S.C. Code 1976, § 5-21-120.

GAFFNEY MUNICIPAL CODE

- Sec. 30-57. Records of notice; contents.
- Sec. 30-58. Procedures for providing notice of levy and sale.
- Sec. 30-59. Collateral lists and supplements.
- Sec. 30-60. Form of collateral list and supplement.
- Sec. 30-61. Medium for delivery of collateral list and supplement.
- Sec. 30-62. Providing copies of collateral list; use of list.
- Sec. 30-63. Rights, interests and security of lienholder.
- Sec. 30-64. Circumstances not grounds for voiding tax sale.
- Sec. 30-65. Circumstances not defense to lienholder's effort to void tax sale.
- Secs. 30-66—30-84. Reserved.

Article III. Local Hospitality Tax

- Sec. 30-85. Definitions.
- Sec. 30-86. Violations and penalties.
- Sec. 30-87. Imposed.
- Sec. 30-88. Payment.
- Sec. 30-89. Special revenue fund.
- Sec. 30-90. Inspection, audits and administration.
- Secs. 30-91—30-100. Reserved.

Article IV. Local Accommodations Tax

- Sec. 30-101. Violations and penalties.
- Sec. 30-102. Imposed.
- Sec. 30-103. Maintenance of fund proceeds.
- Sec. 30-104. Use of tax revenue.
- Sec. 30-105. Duty to notify city regarding property listings.
- Sec. 30-106. Payment.
- Sec. 30-107. Inspection, audits and administration.

ARTICLE I. IN GENERAL**Sec. 30-1. Annual tax levy.**

An annual tax, for corporate purposes and to defray the expenses of the city from January 1 to December 31 in each year, is hereby levied and imposed upon all property not tax exempt within the city according to law, and such tax shall be uniform in respect to persons and property. The city council each year shall prepare a proposed annual budget and shall determine the tax millage necessary for city purposes and to meet the budget. The tax millage shall be established and promulgated as provided by law.

(Code 1980, § 20-1; Ord. No. 1991-13, 12-10-1991)

Sec. 30-2. Equalization of valuations.

The city council may, independently or in cooperation with the county and the county auditor, provide for equalization of valuations upon real property in the city for tax purposes and, in this connection, may cause such research and investigation as may be necessary to be made in order to apprise itself of the pertinent data to effect a correct and uniform system and method of valuation of property for tax purposes.

(Code 1980, § 20-2; Ord. No. 1991-13, 12-10-1991)

Sec. 30-3. Property of nonprofit housing corporation subject to service fee.

All property of nonprofit housing corporations (except housing corporations which are part of a political subdivision) which is otherwise exempt from ad valorem taxation, shall be subject to a service fee for city services including, but not limited to, police, fire, public improvements, and sanitation services. The service fee shall be imposed in lieu of any ad valorem property taxes and shall be in an amount equal to the actual cost of providing such services, but not including the cost of general city administration. The amount of the service fee shall be determined by the city treasurer in consultation with the city administrator and the city's accountant and shall be based upon the historical cost of such services, using the most recently available data. The service fee shall be assessed and collected in the same manner as provided herein for property taxes.

(Code 1980, § 20-3; Ord. No. 1991-13, 12-10-1991)

Sec. 30-4. Duties of city administrator relative to taxes.

The city administrator or his designated appointee shall collect all taxes on property within the limits of the city based upon the calendar year as the official tax year, and for this purpose he may copy and make abstracts, from the official books of the Cherokee County Auditor, of all the property within the corporate limits of the city subject to taxation, and the value of same as fixed for state and county taxes, and shall collect taxes for the city in accordance with the value so fixed at the rate of taxation provided in the annual tax ordinance of the city.

(Code 1980, § 20-4; Ord. No. 1991-13, 12-10-1991)

Sec. 30-5. Duties of treasurer relative to taxes.

The city treasurer shall ensure that the city administrator or his designated appointee is exerting due effort in the collection of taxes due the city, and the treasurer, from time to time, shall inspect carefully all tax records and shall see that the records kept by the administrator properly reflect all tax receipts and income, and that notices of taxes due are properly and promptly sent out. He shall likewise ensure that proper receipts are issued to all taxpayers for taxes paid, and the city treasurer shall regularly report to the city council on his finding in this regard.

(Code 1980, § 20-5; Ord. No. 1991-13, 12-10-1991)

Sec. 30-6. Position of delinquent tax collector.

There is hereby established the position of delinquent tax collector for the city. The delinquent tax collector shall be the person officially charged with the collection of delinquent taxes, assessments, penalties, and costs for their collection. The delinquent tax collector shall be appointed by the city administrator in consultation with the city council as provided in section 2-104.

(Code 1980, § 20-6; Ord. No. 1991-13, 12-10-1991)

Sec. 30-7. To whom taxes payable; receipts and records.

All taxes payable to the city shall be paid to the city administrator or his designated appointee and the administrator or his designated appointee shall issue proper receipts for all payments, retaining for the permanent records of the city a copy of all receipts issued, and an exact record and account shall be kept by the city administrator or his designated appointee of all tax receipts and expenditures from tax funds authorized by the city council.

(Code 1980, § 20-7; Ord. No. 1991-13, 12-10-1991)

Sec. 30-8. When taxes due; delinquencies generally.

Taxes levied by the city council shall be due and payable between September 30 and October 31 after their assessment in each year or 30 days after the mailing of tax notices, whichever occurs later, said latter date being designated as the past due date, and shall be considered delinquent if not paid on or before the past due date. Delinquent taxes shall be subject to the following penalties:

- (1) If paid within 30 days after the past due date, five percent of the tax due.
- (2) If paid more than 30 days after the past due date, but within 60 days of the past due date, the amount of the penalty provided in subsection (1) of this section, plus an additional five percent of the tax due.
- (3) If paid more than 60 days after the past due date, but within 90 days of the past due date, the amount of the penalty provided in subsections (1) and (2) of this section, plus an additional five percent of the tax due.

- (4) If not paid within 90 days after the past due date, the city treasurer shall issue his tax execution to the officer authorized to collect delinquent taxes, assessments, penalties, and costs for their collection. The United States postmark is the determining date for mailed payments.

If the payment dates required by this section fall on a Saturday, Sunday, or legal holiday, the dates are extended to the end of the first business day immediately following which is not a Saturday, Sunday, or legal holiday.

(Code 1980, § 20-8; Ord. No. 1991-13, 12-10-1991)

Sec. 30-9. Default on payment of taxes; levy of execution by distress and sale; notice of delinquent taxes; seizure of property; advertisement of sale.

After the city treasurer issues his execution against a defaulting taxpayer in his jurisdiction, as provided in section 30-8, signed by him or his agent in his official capacity, directed to the officer authorized to collect delinquent taxes, assessments, penalties, and costs, requiring him to levy the execution by distress and sale of the defaulting taxpayer's estate, real or personal, or both, or property transferred by the defaulting taxpayer, the value of which generated all or part of the tax, to satisfy the taxes, assessments, penalties, and costs, the officer to which the execution is directed shall:

- (1) On April 1 or as soon after that as practicable, mail a notice of delinquent property taxes, penalties, assessments, and costs to the defaulting taxpayer and to a grantee of record of the property, whose value generated all or part of the tax. The notice must be mailed to the best address available, which is the address shown on the deed conveying the property to him, the property address, or other corrected or forwarding address of which the officer authorized to collect delinquent taxes, penalties, and costs has actual knowledge. The notice must specify that if the taxes, penalties, assessments, and costs are not paid, the property must be advertised and sold to satisfy the delinquency.
- (2) If the taxes remain unpaid after 30 days from the date of mailing of the delinquent notice, or as soon thereafter as practicable, take exclusive possession of the property necessary to satisfy the payment of the taxes, assessments, penalties, and costs. In the case of real property, exclusive possession is taken by mailing a notice of delinquent property taxes, assessments, penalties, and costs to the defaulting taxpayer and any grantee of record of the property at the address shown on the tax receipt or to an address of which the officer has actual knowledge, by certified mail, return receipt requested-restricted delivery, pursuant to the United States Postal Service Domestic Mail Manual section s912. If the addressee is an entity instead of an individual, the notice must be mailed to its last known post office address by certified mail, return receipt requested, as described in section s912. In the case of personal property, exclusive possession is taken by mailing the notice of delinquent property taxes, assessments, penalties, and costs to the person at the address shown on the tax receipt or to an address of which the officer has actual knowledge. All delinquent notices shall specify that if the taxes, assessments, penalties, and costs are not paid before a

subsequent sales date, the property must be duly advertised and sold for delinquent property taxes, assessments, penalties, and costs. The return receipt of the "certified mail" notice is equivalent to "levying by distress".

- (3) In the event the "certified mail" notice has been returned unsigned, take exclusive physical possession of the property against which the taxes, assessments, penalties, and costs were assessed by posting a notice at one or more conspicuous places on the premises, in the case of real estate, reading:

"Seized by person officially charged with the collection of delinquent taxes of the City of Gaffney to be sold for delinquent taxes,"

the posting of the notice is equivalent to levying by distress, seizing, and taking exclusive possession thereof, or by taking exclusive possession of personalty. In the case of personal property, the person officially charged with the collection of delinquent taxes is not required to move the personal property from where situated at the time of seizure and further, the personal property may not be moved after seized by anyone under penalty of conversion unless delinquent taxes, assessments, penalties, and costs have been paid. Mobile homes are considered to be personal property for the purposes of this chapter unless the owner gives written notice to the county auditor of the mobile home's annexation to the land on which it is situated.

- (4) The property must be advertised for sale at public auction. The advertisement shall be in a newspaper of general circulation within the city, if applicable, and must be entitled "Delinquent Tax Sale." It must include the delinquent taxpayer's name and the description of the property, a reference to the county assessor or auditor's map-block-parcel number being sufficient for a description of realty. The advertising must be published once a week prior to the legal sales date for three consecutive weeks for the sale of real property, and two consecutive weeks for the sale of personal property. All expense of the levy, seizure, and sale must be added and collected as additional costs, and must include, but not be limited to, the expense of taking possession of real or personal property, advertising, storage, identifying the boundaries of the property, and mailing certified notices. When the real property is divisible, the city treasurer may ascertain that portion of the property that is sufficient to realize a sum upon sale sufficient to satisfy the payment of the taxes, assessments, penalties, and costs. In such cases, the officer may partition the property and furnish a legal description of the same.
- (5) For the purpose of enforcing payment and collection of property taxes when the true owner is unknown because of the death of the owner of record and the absence of probate administration of the decedent's estate, the property must be advertised and sold in the name of the deceased owner of record.

(Code 1980, § 20-9; Ord. No. 1991-13, 12-10-1991; Ord. No. 2004-7, § 20-9, 3-15-2004)

Sec. 30-10. Sale of property; procedures; defaulting taxpayer with more than one item to be sold.

The property duly advertised shall be sold by the person officially charged with the collection of delinquent taxes at public auction at city hall or other convenient place within the

city, if designated and advertised, on a legal sales date during business hours for legal tender payable in full by cash, cashier's check, certified check, or money order on the date of the sale. If the defaulting taxpayer or the grantee of record has more than one item advertised to be sold, as soon as sufficient funds have been accrued to cover all of the delinquent taxes, assessments, penalties, and costs, no further items may be sold.

(Code 1980, § 20-10; Ord. No. 1991-13, 12-10-1991; Ord. No. 2004-7, § 20-10, 3-15-2004)

Sec. 30-11. Required bid on behalf of forfeited land commission when property sold for ad valorem taxes.

The officer charged with the duty to sell real property and mobile or manufactured housing for nonpayment of ad valorem property taxes shall submit a bid on behalf of the forfeited land commission equal to the amount of all unpaid property taxes, penalties, assessments, and costs including taxes levied for the year in which the redemption period begins. The forfeited land commission is not required to bid on property known or reasonably suspected to be contaminated. If the contamination becomes known after the bid or while the commission holds the title, the title is voidable at the election of the commission. If the property is not redeemed, the excess above the amount of taxes, penalties, assessments, charges, and costs for the year in which the property was sold must be applied first to the taxes becoming due during the redemption period.

Sec. 30-12. Payment by successful bidder; receipt; disposition of proceeds.

The successful bidder at the delinquent tax sale shall pay legal tender as provided in section 30-10 to the person officially charged with the collection of delinquent taxes in the full amount of the bid on the day of the sale. Upon payment, the person officially charged with the collection of delinquent taxes shall furnish the purchaser a receipt for the purchase money. He must attach a copy of the receipt to the execution with the endorsement of his actions, which shall be retained by him. Expenses of the sale shall be paid first and the balance of all delinquent tax sale monies collected shall be turned over to the treasurer. Upon receipt of the funds, the treasurer shall mark immediately the public tax records regarding the property sold as follows: Paid by tax sale held on (insert date). All other monies received, including any excess after payment of delinquent taxes, assessments, penalties, and costs, must be retained, paid out, and accounted for by the delinquent tax collector. Once a tax deed has been issued, the defaulting taxpayer and the owner of record immediately before the end of the redemption period must be notified in writing by the delinquent tax collector of any excess due. The notice must be addressed and mailed in the manner provided in section 30-9(2) for taking exclusive possession of real property. Expenses of providing this notice are considered costs of the sale for purposes of determining the amount, if any, of the excess.

(Code 1980, § 20-11; Ord. No. 1991-13, 12-10-1991; Ord. No. 2004-7, § 20-11, 3-15-2004)

Sec. 30-13. Default by successful bidder; readvertisement of property.

In case the successful bidder fails to remit in legal tender within the time specified, the person officially charged with the collection of delinquent taxes shall cancel that bid and duly

readvertise the same property for sale, in the same manner, on a subsequent delinquent tax sale date. The defaulting bidder is liable for no more than \$300.00 damages upon default, which may be collected by suit by the person officially charged with the collection of delinquent taxes in the name of the taxing authority.

(Code 1980, § 20-12; Ord. No. 1991-13, 12-10-1991)

Sec. 30-14. Redemption of real property; assignment of purchaser's interest.

(a) The defaulting taxpayer, any grantee from the owner, or any mortgage or judgment creditor may, within 12 months from the date of the delinquent tax sale, redeem each item of real estate by paying to the person officially charged with the collection of delinquent taxes, assessments, penalties, and costs, together with interest as provided in subsection (b) of this section. If prior to the expiration of the redemption period, the purchaser assigns his interest in any real property purchased at a delinquent tax sale, the grantee from the successful bidder shall furnish the person officially charged with the collection of delinquent taxes a conveyance, witnessed and notarized. The person officially charged with the collection of delinquent taxes shall replace the successful bidder's name and address with the grantee's name and address in the delinquent tax sale book.

(b) The lump sum amount of interest due on the whole amount of the delinquent tax sale based on the month during the redemption period the property is redeemed and that rate relates back to the beginning of the redemption period according to the following schedule:

<i>Period Within Which Property Redeemed</i>	<i>Amount of Interest Imposed</i>
First three months	Three percent of the bid amount
Months four, five and six	Six percent of the bid amount
Months seven, eight and nine	Nine percent of the bid amount
Last three months	Twelve percent of the bid amount

However, in every redemption, the amount of interest due must not exceed the amount of the bid on the property submitted on behalf of the forfeited land commission pursuant to section 30-11.

(c) If the defaulting taxpayer, grantee from the owner, or mortgage or judgment creditor fails to redeem the item of real estate sold at the delinquent tax sale within the 12 months provided in subsection (a) of this section and after the passing of an additional 12 months, the tax deed issued is incontestable on procedural or other grounds.

(Code 1980, § 20-13; Ord. No. 1991-13, 12-10-1991; Ord. No. 2004-7, § 20-13, 3-15-2004)

Sec. 30-15. Owner of mobile home or modular home may redeem property.

Notwithstanding the provisions of section 30-18, the owner or lienholder of any mobile home or manufactured home may redeem the property as provided in sections 30-15, 30-18 and 30-20. For purposes of this chapter, the term "mobile or manufactured home" is defined in S.C. Code 1976, § 12-43-230(b) or 40-29-20(9), as applicable.

(Code 1980, § 20-14; Ord. No. 1991-13, 12-10-1991; Ord. No. 2004-7, § 20-14, 3-15-2004)

Sec. 30-16. Conditions of redemption.

In order for the owner of or lienholder on the mobile home or manufactured home to redeem his property as permitted in section 30-15, the mobile or manufactured subject to redemption must not be removed from its location at the time of the delinquent tax sale for a period of 12 months from the date of the sale unless the owner is required to move it by the person other than himself who owns the land upon which the mobile or manufactured home is situated. In this event, the owner of the mobile or manufactured home must notify the purchaser and the delinquent tax collector of the new location of the mobile or manufactured home, which new location also must be in this state. If the owner moves the mobile or manufactured home in violation of this section he is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, or both. In addition to the other requirements and payments necessary for an owner of a mobile or manufactured home to redeem his property after a delinquent tax sale, the defaulting taxpayer or lienholder also shall pay rent to the purchaser at the time of redemption an amount not to exceed $\frac{1}{12}$ of the taxes for the last completed property tax year, exclusive of penalties, costs and interest, for each month between the sale and a redemption. However, the monthly rental when calculated as provided in the section, must not be less than \$10.00. For purposes of this rent calculation, more than one-half of the days in any month count as a whole month.

(Code 1980, § 20-15; Ord. No. 1991-13, 12-10-1991; Ord. No. 2004-7, § 20-15, 3-15-2004)

Sec. 30-17. Cancellation of sale upon redemption; notice to purchaser; refund of purchase price.

Upon the real estate being redeemed, the person officially charged with the collection of delinquent taxes shall cancel the sale in the tax sale book and note thereon the amount paid, by whom and when. The successful purchaser, at the delinquent tax sale, shall promptly be notified by mail to return the tax sale receipt to the person officially charged with the collection of delinquent taxes in order to be expeditiously refunded the purchase price plus the interest provided in section 30-14.

(Code 1980, § 20-16; Ord. No. 1991-13, 12-10-1991; Ord. No. 2004-7, § 20-16, 3-15-2004)

Sec. 30-18. Personal property shall not be subject to redemption; purchaser's bill of sale and right of possession.

For personal property, there is no redemption period subsequent to the time that the property is struck off to the successful purchaser at the delinquent tax sale. Upon payment by the successful purchaser and delivery of the duplicate warrant (i.e., tax receipt) with description and notation by the person officially charged with the collection of delinquent taxes, he shall deliver to the successful purchaser the following form properly executed which is his bill of sale and right of possession:

"Sold to _____ at Delinquent Tax Sale on _____, who is the successful purchaser of personal property sold for delinquent taxes.

(Officer Charged with Tax Collection)"

(Code 1980, § 20-17; Ord. No. 1991-13, 12-10-1991)

Sec. 30-19. Notice of approaching end of redemption period.

Neither more than 45 days nor less than 20 days before the end of the redemption period for real estate sold for taxes, the person officially charged with the collection of delinquent taxes shall mail a notice by "certified mail, return receipt requested restricted delivery," as provided in section 30-9(2) to the defaulting taxpayer and to a grantee, mortgagee, or lessee of the property of record in the appropriate public records of the county. The notice must be mailed to the best address of the owner available to the person officially charged with the collection of delinquent taxes that the real property described on the notice has been sold for taxes and if not redeemed by paying taxes, assessments, penalties, costs and interest at the applicable rate on the bid price in the total amount of _____ dollars on or before _____ (12 months from date of sale), a tax title must be delivered to the successful purchaser at the tax sale. Pursuant to this chapter, the return of the certified mail "undelivered" is not grounds for a tax title to be withheld or be found defective and ordered set aside or canceled of record. (Code 1980, § 20-18; Ord. No. 1991-13, 12-10-1991; Ord. No. 2004-7, § 20-18, 3-15-2004)

Sec. 30-20. Execution and delivery of tax title; costs and fees; overages.

Upon failure of the defaulting taxpayer, a grantee from the owner, mortgagee, judgment creditor, or a lessee of the property to redeem realty within the time period allowed for redemption, the person officially charged with the collection of delinquent taxes shall within 30 days or as soon thereafter as possible shall make a tax title to the purchaser or the purchaser's assignee. Delivery of the tax title to the clerk of court or register of deeds is considered "putting the purchaser, or assignee, in possession." The tax title must include, among other things, the name of the defaulting taxpayer, the name of any grantee of record of the property, the date of the execution, the date the realty was posted and by whom, and the dates each certified notice was mailed to the party of interest, to whom mailed and whether or not received by the addressee. The successful purchaser, or assignee, is responsible for the actual cost of preparing tax title plus documentary stamps necessary to be affixed and recording fees. The successful purchaser, or assignee, shall pay the amounts to the person officially charged with the collection of delinquent taxes before delivery of the tax title to the clerk of court or register of deeds and upon payment, the person officially charged with the collection of delinquent taxes is responsible for promptly transmitting the tax title to the clerk of court or register of deeds for recording and remitting the recording fee and documentary stamps cost. In case the tax sale of an item produced more cash than the full amount due in taxes, assessments, penalties, and costs, the overage shall belong to the owner of record immediately before the end of the redemption period to be claimed or assigned according to law. These sums are payable 90 days after execution of the deed unless a judicial action is

instituted during that time by another claimant. If neither claimed nor assigned within five years of date of public auction tax sale, the overage shall escheat to the general fund of the governing body. Before the escheat date unclaimed overages must be kept in a separate account and must be invested so as not to be idle and the governing body of the political subdivision is entitled to the earnings for keeping the overage. On the escheat date the overage shall be transferred to the general funds of the governing body.
(Code 1980, § 20-19; Ord. No. 2004-7, § 20-19, 3-15-2004)

Sec. 30-21. Official may void tax sales.

In the case that the official in charge of the tax sale discovers before a tax title has passed, the failure of any action required to be properly performed, the official may void the tax sale and refund the amount paid, plus interest in the amount actually earned by the city on the amount refunded, to the successful bidder. If the full amount of the taxes, assessments, penalties, and costs have not been paid, the property shall be brought to tax sale as soon as practicable.
(Code 1980, § 20-29; Ord. No. 1991-13, 12-10-1991; Ord. No. 2004-7, § 20-29, 3-15-2004)

Sec. 30-22. Deed as evidence of good title; statute of limitations.

In case of tax sale the deed of conveyance, whether executed to a private person, a corporation, or a forfeited land commission shall be held and taken as prima facie evidence of a good title in the holder, that all proceedings have been regular and that all legal requirements have been complied with. No action for the recovery of land sold under the provisions of this chapter or for the recovery of the possession may be maintained unless brought within two years from the date of sale as provided in section 30-14(c).
(Code 1980, § 20-30; Ord. No. 1991-13, 12-10-1991)

Secs. 30-23—30-47. Reserved.

ARTICLE II. RIGHTS OF REAL PROPERTY MORTGAGEES

Sec. 30-48. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auditor means the officer charged by law with the assessment of ad valorem taxes and assessments and with the mailing of tax notices.

Collateral means the mobile or manufactured home in which a lienholder holds a security interest.

Collateral list means a written list, including all supplements, that a lienholder provides to a tax collector pursuant to this article, listing the lienholder's collateral that, according to the United States postal zip codes shown in the lienholder's records as the mailing address where the collateral is situate, is located within a county of this state.

Department means the South Carolina Department of Motor Vehicles.

Lien means a mortgage or a security interest.

Lienholder means the owner, holder, or servicing agent of a lien affecting a mobile or manufactured home as security for the payment of money.

Mobile home or manufactured home is defined as provided in S.C. Code 1976, §§ 12-43-230(b) and 40-29-20(9).

Mortgage means a mortgage, deed of trust, or other written instrument covering or affecting real property as security for the payment of money.

Mortgagee means the mortgagee identified in a mortgage of record or any holder or assignee of the mortgage.

Mortgagee list means a written list, including all supplements, that a mortgagee provides to a tax collector pursuant to this article, showing the current name and address of the mortgagee/holder of the mortgages listed on it within a county of this state.

Office of the register of deeds means the office in each county where real property deeds and mortgages are recorded.

Security interest means an interest created by a security agreement or other written instrument covering a mobile or manufactured home for the payment of money.

Tax collector means the officer charged by law with the collection of delinquent ad valorem taxes, assessments, penalties, and costs.

Tax title means a deed for real property and a bill of sale for personal property.

The most current means the latest in time.

Sec. 30-49. Notice to mortgagee of tax sale.

When real property is levied upon for taxes by the tax collector, the tax collector shall give at least 45 days' written notice prior to the sale of the real property to a mortgagee contained on the mortgagee list filed with the tax collector as provided in section 30-52. The period of 45 days shall begin to run from the time the notice is personally delivered or from the date of its mailing when delivered by certified mail as provided in this article. The notice must contain a description of the real property levied upon, including the tax map number assigned by the county, the name of the owner, the year for which the taxes were assessed, and a statement of the amount of the taxes with the accrued costs. The notice must be delivered to the mortgages either personally or by certified mail with return receipt requested at the address shown on the most current mortgagee list for a particular mortgagee. If delivered personally, the tax

collector shall obtain a signed receipt from the mortgagee. Although a separate notice must be prepared for each parcel or real property to be sold, a tax collector may enclose in the same package or envelope multiple notices to be given to the same mortgagee at the same address.

Sec. 30-50. Form of notice.

The form of notice required pursuant to section 30-49 must be substantially as follows:

DELINQUENT TAXES

Notice to Holder of Mortgage

Notice is given to _____ as the holder of a certain mortgage recorded in the office of the _____ in Book _____ at Page _____, of the County of _____, State of South Carolina, that there are now due and unpaid taxes for the year 20____ amounting to \$_____, with accrued cost of \$_____, for which a tax execution has been issued and levy made upon the following described real property owned by _____ and embraced within the mortgage, and that the real property will be sold unless such taxes are paid within 45 days from the deliver of this notice as provided by law.

Description of the Real Property Levied Upon

Tax Map No. _____

Tax Collector _____

Address _____

Dated: _____

Sec. 30-51. Record of notice.

The tax collector shall keep a record of each notice given under section 30-49 that contains the date the notice was delivered, the method of delivery, the address where the notice was delivered, and the name of the addressee of the notice.

Sec. 30-52. Mortgagee list.

To entitle a mortgagee to the notice required by section 30-49, a list of each mortgage located in the county as to which the notice is desired must be filed by the mortgagee with the tax collector of the county in which the real property covered by a mortgage lies on or before March 15 of each year, on which must be shown the name and address of the mortgagee, the name of each mortgagor, and the book and page of the record where each mortgage listed is recorded.

Sec. 30-53. Form of mortgagee list.

The form of the mortgagee list for real property must be substantially as follows:

Mortgagee List for _____ City

Mortgagee/Holder _____

Address for Notice: _____

Date: _____

Name of Owner(s) or Mortgagors	Tax Map Number	Book of Record	Page Number
-----------------------------------	-------------------	-------------------	----------------

Sec. 30-54. Effect of chapter on rights of mortgagee.

(a) The rights, interest, and security of a mortgagee complying with the provisions of section 30-52 are not affected by a tax sale and a deed of conveyance, unless the provisions of section 30-49 are complied with.

(b) Except as specifically provided in this article, the rights and remedies of a mortgagee granted elsewhere in this chapter are not affected by whether or not the mortgagee provides a mortgagee list of real property pursuant to section 30-52.

Sec. 30-55. Tax sale of mobile or manufactured home; service of notice.

When a mobile or manufactured home is levied upon for taxes by the tax collector, the tax collector shall give at least 45 days' written notice before the date of the tax sale to lienholders by following the procedures provided in section 30-58, except as otherwise provided in section 30-58(d). The period of 45 days begins to run from the time the notice is delivered personally or from the date of its mailing. The notice must contain a description of the mobile or manufactured home levied upon, including the year, make or model, size and serial number, the name of the owner, the address and zip code where the mobile or manufactured home is located, the year for which the taxes were assessed, and a statement of the amount of the taxes with the accrued costs. The notice must be delivered to the lienholders, either personally or by certified mail with return receipt requested, at the addresses obtained by the tax collector by following the procedures provided for in section 30-58. If delivered personally, the tax collector shall obtain a signed receipt from the lienholder. Although a separate notice must be prepared for each mobile or manufactured home to be sold, a tax collector may enclose in the same package or envelope multiple notices to be given to the same lienholder at the same address.

Sec. 30-56. Form of notice.

(a) Except as provided in subsection (b) of this section, the form of the notice required by section 30-55 must be substantially as follows:

"DELINQUENT TAXES

NOTICE TO LIENHOLDER

Notice is given to _____ as the holder of a certain lien on the mobile or manufactured home below described, that there are now due and unpaid taxes for the year(s) _____ in the amount of \$ _____ with accrued costs of

\$_____ for which a tax execution has been issued and levy made upon the described home owned by _____. The home will be sold unless the taxes are paid within 45 days from delivery of this notice as provided by law.

Description of Mobile or Manufactured Home Levied Upon

Make or Model of Mobile or Manufactured Home

Year of Home and Full Serial Number

Owner's Name and Address

Tax Collector

Address

Date _____."

(b) For liens created before January 1, 1995, the form of the notice required by section 30-55 must be substantially as follows:

"DELINQUENT TAXES

NOTICE TO LIENHOLDER

Notice is given to _____ as the holder of a certain lien on the mobile or manufactured home below described, that there are now due and unpaid taxes for the year(s) _____ in the amount of \$_____ with accrued costs of \$_____ for which a tax execution has been issued and levy made upon the described home owned by _____. The home will be sold unless the taxes are paid within 45 days from delivery of this notice as provided by law.

Description of Collateral

Vin Number

Owner's Name and Address

Tax Collector

Address _____

Date _____."

Sec. 30-57. Records of notice; contents.

The tax collector shall keep a record of each notice given pursuant to section 30-55 which must contain the date the notice was delivered, the method of delivery, the address to which the notice was delivered, and the name of the addressee of the notice.

Sec. 30-58. Procedures for providing notice of levy and sale.

(a) In providing the notice of levy and sale required in section 30-55 relating to mobile or manufactured homes, the tax collector shall comply with the procedures provided for in subsections (b) or (c) and (d) of this section. This section does not require the tax collector to send more than one notice of levy to a single lienholder at the same mailing address that is revealed multiple times by compliance with the different procedures provided for in this section. If a single lienholder's name at different mailing addresses is revealed or would have been revealed by compliance with the procedures provided pursuant to this section, notice of levy must be sent to the lienholder at all these mailing addresses.

(b) For liens created before January 1, 1995, the tax collector shall provide the notice of levy and sale to the lienholders contained on the certificate of title issued by the department. To obtain the name and address of the lienholders, the tax collector shall either forward to the department a form provided below requesting the name and address of all lienholders shown on the certificate of title or obtain from official department records the names and addresses of all lienholders shown on the certificate of title, to include the information listed on the form below. The delinquent tax collector may not sell the property without either a return of this form or official department records if records reflect the existence of a lienholder.

To the Department of _____:

I have been instructed by the city treasurer to levy and sell the following personal property:

Please provide me with the lienholders' name and address as shown on the certificate of title:

NAME: _____

ADDRESS: _____

DESCRIPTION OF COLLATERAL: _____

VIN NUMBER: _____

LIENHOLDER: _____

LIENHOLDERS' ADDRESS: _____.

(c) For liens created on or after January 1, 1995, the tax collector shall provide the notice of levy and sale to the lienholders identified on the forms provided to the county auditor pursuant to the licensing and moving permit procedures provided for in S.C. Code 1976, tit. 31, ch. 17 or official department records if the records reflect the existence of a lienholder.

(d) Notice to lienholders of manufactured or mobile homes.

- (1) In addition to complying with the procedures provided in either subsection (b) or (c) of this section, for tax years beginning January 1, 2007, and after that time, the tax collector shall send the notice of levy and sale required by this article to the lienholders at the addresses shown on the most current collateral list provided by the lienholders holding a lien on the mobile or manufactured home to the tax collector pursuant to section 30-59. If a lienholder's most current collateral list, including any supplement, fails to disclose to the tax collector the lienholder's lien on a home that is to be sold, the lienholder is not entitled to notice pursuant to this subsection. If the collateral lists of two or more lienholders show the same mobile or manufactured home as their collateral, all the lienholders must be notified of the tax sale.
- (2) If a lienholder provides the tax collector with a supplemental collateral list as described in section 30-59(b) after July 1 of any given year and the tax collector intends to sell a mobile or manufactured home shown on that supplemental list for which the lienholder could not be identified properly by the tax collector's compliance with the procedures provided in subsections (b) or (c) and (d)(1) of this section, the tax collector shall give a newly identified lienholder or to a lienholder at the newly identified address, or both, the notice required by this subsection.
 - a. If there are 65 or more days between the receipt by the tax collector of the supplemental collateral list and the date of the scheduled tax sale, the tax collector shall deliver to the newly identified lienholder or at the newly identified address, or both, the notice required by section 30-55 in the same manner and under the same timelines as provided in that section.
 - b. If there are fewer than 65 days, but at least 45 days between the receipt by the tax collector of the supplemental collateral list and the date of the scheduled tax sale, the tax collector shall deliver to the newly identified lienholder or at the newly identified address, or both, the notice required by section 30-55 in the same manner as required pursuant to that section, except that the notice must be given no fewer than 20 days before the date of the scheduled tax sale.
 - c. If the tax sale has already occurred by the time the tax collector receives the supplemental collateral list, or if there are fewer than 45 days between the receipt by the tax collector of the supplemental collateral list and the date of the scheduled tax sale, the tax collector is not required to deliver to the newly identified lienholder or at the newly identified address, or both, a notice pursuant to this subsection (d)(2). Except to the extent that they are entitled to receive notice pursuant to subsections (b) or (c) and (d)(1) of this section, the only notice

the newly identified lienholders, or known lienholders at a newly identified address, are entitled to receive pursuant to this sub item is a notice of their right of redemption pursuant to the provisions of section 30-20.

Sec. 30-59. Collateral lists and supplements.

(a) By July 1 of each year, each lienholder may provide a written collateral list to the tax collector of each county in which the lienholder's collateral is located. The collateral list sent to a particular county must be derived by a lienholder sorting its accounts by United States postal zip codes and by sorting those zip codes by the counties that have geographical areas covered by those zip codes. The zip codes used must be those shown in the lienholder's records as the mailing addresses where the collateral is situate. For those zip codes covering geographical areas that extend into multiple counties, the collateral list sent to all counties sharing the same zip codes must contain the information required by section 30-61.

(b) Any collateral list provided by a lienholder to a tax collector after July 1 and no later than December 31 of any year is considered a supplemental collateral list for purposes of the lienholder's right to receive notice of a tax levy and sale pursuant to section 30-55 for that same calendar year.

(c) A lienholder is not required to provide to the tax collector a collateral list annually or periodically. If a particular lienholder does not provide a collateral list to the tax collector in a timely manner for the year in which the tax collector intends to sell real property on which that lienholder holds a lien, the tax collector may rely on the most current information obtained pursuant to section 30-55, including, but not limited to, a collateral list from a previous year.

Sec. 30-60. Form of collateral list and supplement.

The form of the collateral list and a supplement for mobile or manufactured homes must be substantially as follows:

Collateral List For _____ City
 Lienholder: _____
 Address for Notice: _____
 Date: _____
 Name(s) of Owner(s): Address of Home: _____
 Other Address of Owner(s): _____
 Zip Code: _____
 Year of Home: _____
 Make/Model: _____
 Size of Home: _____
 Full Serial Number: _____.

Sec. 30-61. Medium for delivery of collateral list and supplement.

The collateral list and a supplement may be provided to the tax collector through a medium acceptable to the sender and the receiver. The medium may include United States mail, hand delivery, express delivery, or e-mail, but the sender shall maintain sufficient proof that the collateral list and supplement were provided to the tax collector.

Sec. 30-62. Providing copies of collateral list; use of list.

The collateral lists and supplements must be maintained by the tax collector strictly and only for the purposes provided in this article. A person in the tax collector's office may not give, release, or provide in any form to any person or entity the original or any photographic or electronic copy of the collateral lists or a list reconstructed from the tax collector's records which shows the owners of mobile or manufactured homes in the city and the names of the lienholders of these homes. The collateral lists must be used for the purposes only of notifying the lienholders of impending tax sales and the expiration of redemption periods. This section does not prevent a tax collector from integrating information obtained from the collateral lists into the tax collector's records in the same manner as the tax collector integrates information in his records obtained from other sources. This section does not prevent a tax collector from providing information to a person or entity about the name of the owner and lienholder of a particular mobile or manufactured home.

Sec. 30-63. Rights, interests and security of lienholder.

(a) Except as otherwise provided in section 30-58 or 30-65, unless the tax collector complies with the provisions of sections 30-55 and 30-58, the rights, interest, and security of a lienholder of a mobile or manufactured home is not affected by a tax sale and a transfer of title made pursuant to the tax sale.

(b) Except as specifically provided in this article, the rights and remedies of a lienholder of a mobile or manufactured home under the terms of the security documents or as otherwise provided in this chapter are not affected by whether or not a lienholder provides a collateral list to the tax collector or provides information to the auditor about where and to whom tax notices must be sent.

Sec. 30-64. Circumstances not grounds for voiding tax sale.

Notwithstanding another provision of this article, the following circumstances are not grounds for voiding a tax sale:

- (1) The tax collector complied with section 30-58(b) but the return from the department did not provide the name and address of the current lienholder, the lienholder's most current collateral list that was provided to the tax collector did not reflect accurately the name and address of the lienholder for the mobile or manufactured home, the county had not been provided information about the lienholder and its address

pursuant to the licensing and moving permit procedures provided for in S.C. Code 1976, tit. 31, ch. 17, and department records did not reflect information about the lienholder and its address.

- (2) The mobile or manufactured home appeared on collateral lists of more than one lienholder and, although the tax collector did not notify all the lienholders, he did notify the lienholders that held liens on the mobile or manufactured home at the time the notice was given, and the notice was sent to the correct addresses of the lienholders holding the liens where the owner's account was being serviced at the time the notice was given.
- (3) The lienholder that holds the lien on the mobile or manufactured home at the time the notice was given receives the notice at the correct address of the lienholder where the owner's account is being serviced, regardless of how the tax collector obtained the correct name and address of the lienholder.

Sec. 30-65. Circumstances not defense to lienholder's effort to void tax sale.

(a) Notwithstanding the provisions of this article, the following circumstances are not a defense to a lienholder's effort to void a tax sale.

(b) The lienholder failed to provide the tax collector with a collateral list for one or more years, but the most current collateral list the lienholder did provide the tax collector, including any supplements described in section 30-58(d)(2)a and b, showed that the lienholder held a lien on the particular mobile or manufactured home that was sold by the tax collector at a tax sale, or the county had been provided information about the lienholder and its address pursuant to the licensing and moving permit procedures provided for in S.C. Code 1976, tit. 31, ch. 17.

Secs. 30-66—30-84. Reserved.

ARTICLE III. LOCAL HOSPITALITY TAX

Sec. 30-85. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Local hospitality tax means a tax on the sales of prepared meals and beverages sold in establishments, or sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine.

Positive majority means a vote for adoption by a majority of the members of the entire governing body, whether present or not. However, if there is a vacancy in the membership of the governing body, a positive majority vote of the entire governing body constituted on the date of the final vote on the imposition is required.

(Ord. No. 2003-3, § 1, 4-21-2003)

Sec. 30-86. Violations and penalties.

It shall be a violation of this article to:

- (1) Fail to collect the local hospitality tax as provided for in this article;
- (2) Fail to remit to the city the local hospitality tax collected pursuant to this article;
- (3) Knowingly provide false information on the form of return submitted to the city; or
- (4) Fail to provide books and records to the city administrator for the purpose of an audit upon 24 hours' written notice.

Any violation of this article shall constitute a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for up to 30 days, or both.

(Ord. No. 2003-3, § 5, 4-21-2003)

Sec. 30-87. Imposed.

A uniform tax equal to two percent is hereby imposed on the sale of the prepared meals and beverages sold in establishments, or sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine.

(Ord. No. 2003-3, § 2, 4-21-2003)

Sec. 30-88. Payment.

(a) Payment of the local hospitality tax shall be the liability of the consumer of the services. The tax shall be paid at the time of delivery of the services to which the tax applies, and shall be collected by the provider of the services. The city administrator shall promulgate a form of return that shall be utilized by the provider of the services to calculate the amount of the local hospitality tax collected and due to the city. The form may require a sworn declaration as to the accuracy of the information thereon by the provider of the services.

(b) The tax provided for in this article must be remitted to the city on a monthly basis when the estimated amount of the average tax collected is more than \$50.00 a month, on a quarterly basis when the estimated amount of the average tax collected is \$25.00 to \$50.00 a month, and on an annual basis when the estimated amount of the average tax collected is less than \$25.00 a month.

(c) The provider of the services shall remit the local hospitality tax collected, when due, to the city on the 20th day of the month, or on the following business day.

(d) Any taxes not timely remitted shall be subject to a penalty of five percent per month, charged on the original amount of the tax due. The failure to collect from patrons the tax imposed by this article shall not relieve any establishment subject to this article from making the required remittance. Provided, however, that the provider or seller of the services or products may retain two percent of the amount due with the report to offset the costs of recording and remitting, provided the taxes are remitted timely.

(Ord. No. 2003-3, § 3, 4-21-2003)

Sec. 30-89. Special revenue fund.

An interest-bearing, segregated and restricted account to be known as the "City of Gaffney Local Hospitality Tax Special Revenue Fund" is hereby established. All revenues received from the local hospitality tax shall be deposited into this fund. The principal and any accrued interest in this fund shall be expended only in accordance with the provisions of the law of the state regarding the use of local hospitality tax revenue, and exclusively for the following purposes:

- (1) Tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
- (2) Tourism-related cultural, recreational, or historic facilities;
- (3) Beach access and renourishment;
- (4) Highways, roads, streets, and bridges providing access to tourist destinations;
- (5) Advertisements and promotions related to tourism development; or
- (6) Water and sewer infrastructure to serve tourism-related demand.

(Ord. No. 2003-3, § 4, 4-21-2003)

Sec. 30-90. Inspection, audits and administration.

For the purpose of enforcing the provisions of this article, the city administrator or his designated agent is empowered to enter upon the premises of any person subject to this article and to make inspections, examine and audit books and records. It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon 24 hours' written notice. In the event that an audit reveals that the remitter has filed false information, the cost of the audit shall be added to the correct amount of tax determined to be due. All operational and administrative costs associated with the billing and collection of the local hospitality tax will be charged to the respective special revenue fund. Records of inspection shall not be deemed public records.

(Ord. No. 2003-3, § 1, 4-21-2003)

Secs. 30-91—30-100. Reserved.

ARTICLE IV. LOCAL ACCOMMODATIONS TAX

Sec. 30-101. Violations and penalties.

- (a) It shall be a violation of this article to:
 - (1) Fail to collect the local accommodations tax as provided for in this article;
 - (2) Fail to remit to the city the local accommodations tax collected pursuant to this article;
 - (3) Knowingly provide false information on the form of return submitted to the city; or

- (4) Fail to provide books and records to the city administrator or his designated agent for the purpose of an audit upon 24 hours' written notice.

(b) Any violation of this article shall constitute a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for up to 30 days, or both.
(Ord. No. 2005-4, § III, 4-4-2005)

Sec. 30-102. Imposed.

There is hereby imposed on every person or entity engaged or continuing within the jurisdiction of the city in the business of furnishing accommodations to transients for consideration, a tax of three percent on the gross proceeds derived from the rental or charges for said accommodations as provided in S.C. Code 1976, § 12-36-920(A).

Sec. 30-103. Maintenance of fund proceeds.

The proceeds derived from the local accommodations tax shall be kept in a separate fund segregated from the city's general fund. All interest generated by the local accommodations tax fund shall be credited to the local accommodations tax fund.

Sec. 30-104. Use of tax revenue.

The revenue generated by the local accommodations tax shall be used exclusively for the following purposes:

- (1) Tourism-related buildings, including, but not limited to, civic centers, coliseums, and aquariums;
- (2) Cultural, recreational, or historic facilities;
- (3) Beach access and renourishment;
- (4) Highways, roads, streets, and bridges providing access to tourist destinations;
- (5) Advertisements and promotions related to tourism development; or
- (6) Water and sewer infrastructure to serve tourism-related demand.

Sec. 30-105. Duty to notify city regarding property listings.

Real estate agents, brokers, corporations, or listing services required to remit taxes under this article must notify the city if rental property, previously listed by them, is dropped from their listings.

Sec. 30-106. Payment.

(a) Payment of the local accommodations tax shall be the liability of the consumer of the services. The tax shall be paid at the time of delivery of the services to which the tax applies, and shall be collected by the provider of the services. The city administrator shall promulgate

a form of return that shall be utilized by the provider of the services to calculate the amount of the local accommodations tax collected and due to the city. The form may require a sworn declaration as to the accuracy of the information thereon by the provider of the services.

(b) The tax provided for in this article must be remitted to the city on a monthly basis when the estimated amount of the average tax collected is more than \$50.00 a month, on a quarterly basis when the estimated amount of the average tax collected is \$25.00 to \$50.00 a month, and on an annual basis when the estimated amount of the average tax collected is less than \$25.00 a month.

(c) The provider of the services shall remit the local accommodations tax collected, when due, to the city on the 20th day of the month, or on the following business day.

(d) Any taxes not timely remitted shall be subject to a penalty of ten percent per month, charged on the original amount of the tax due. The failure to collect from transients the tax imposed by this article shall not relieve any establishment subject to this article from making the required remittance.

(Ord. No. 2005-4, § I, 4-4-2005)

Sec. 30-107. Inspection, audits and administration.

For the purpose of enforcing the provisions of this article, the city administrator or his designated agent is empowered to enter upon the premises of any person subject to this article and to make inspections, examine and audit books and records. It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon 24 hours' written notice. In the event that an audit reveals that the remitter has filed false information, the cost of the audit shall be added to the correct amount of tax determined to be due. All operational and administrative costs associated with the billing and collection of the local accommodations tax will be charged to the respective special revenue fund. Records of inspection shall not be deemed public records.

(Ord. No. 2005-4, § II, 4-4-2005)

Chapter 31

RESERVED

